

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Paul E. Massod
Serial No. : 09/334,574
Filed : June 21, 1999
Title : VERIFICATION PROCESS FOR DRY CLEANERS AND THE LIKE

Art Unit : 2876
Examiner : Diane I. Lee

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER TO WITHDRAW NOTICE OF ABANDONMENT

The office issued a Notice of Abandonment dated January 7, 2005. The reason stated was: "The decision by the Board of Patent Appeals and Interferences rendered on 8/17/04 and because the period for seeking court review of the decision has expired and there are no allowed claims."

This Notice is in error. Applicant requests that the notice be vacated.

Applicant received a Decision on Appeal dated August 17, 2004. Pursuant to 37 CFR.1.197 (b) Applicant filed a single Request for Reconsideration with the Board on October 15, 2005. The Request For Reconsideration was received by the Board and the Board denied the Request For Reconsideration in a decision dated December 14, 2004 (copy of denial enclosed).

Under 37 CFR §41:52, (previously 37 CFR.1.197 (b)) applicant is permitted to file a single Request for Reconsideration within two months of the date of the Decision on Appeal. Under 37 CFR §41:52, (previously 37 CFR.1.197) proceedings on an application are considered terminated by the dismissal of an appeal or the failure to timely file an appeal to the court or a

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

civil action (§ 1.304). The date of termination of proceedings on an application is the date on which the appeal is dismissed or the date on which the time for appeal to the U.S. Court of Appeals for the Federal Circuit or review by civil action (§ 1.304) expires. Under 37 CFR § 1.304 (a)(1) the time for filing the notice of appeal to the U.S. Court of Appeals for the Federal Circuit or for commencing a civil action is two months from the date of the decision of the Board of Patent Appeals and Interferences. However, if a request for reconsideration of the decision is filed within the time period provided under § 41.52(a), the time for filing an appeal or commencing a civil action expires two months after action on the request.

Accordingly, the application did not become abandoned on October 17, 2004 or January 7, 2005, since the period for appeal under (§ 1.304) extended for two months from December 14, 2004, the date of the Board's denial of the Request For Reconsideration.


Applicant hereby requests withdraw of the Notice of Abandonment since the Notice was in error.

No documents are needed to perfect this request.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 6/16/08



Denis G. Maloney
Reg. No. 29,670

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

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